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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF HAWAII  
1132 Bishop Street, Suite 250  
Honolulu, Hawaii 96813

hib\_3007-1 (12/09)

Debtor: DWAYNE K. MENDOZA

Case No.: 13-01333

Joint Debtor:  
(if any) NILA T. MENDOZA

Chapter: 13

**OBJECTION TO CLAIM; NOTICE OF HEARING**  
**Courtroom – 1132 Bishop Street, Honolulu, Hawaii**

[Note: Fed. R. Bankr. P. 3007(b) provides that an objection to claim may not include a demand for relief of the kind specified in Fed. R. Bankr. P. 7001. Such relief must be sought by filing a complaint to commence an adversary proceeding.]

Hearing Date: March 13, 2014  
Time: 9:30 a.m.

Response due: March 6, 2014

The party below hereby objects under Fed. R. Bankr. P. 3007 to the claim below as follows.

Objecting Party	Debtors Dwayne K. Mendoza and Nila T. Mendoza				
Claim No.	Claimant Name and Address		Amount (as filed by claimant)		
3	Carolyn Mendoza c/o Dan S. Ikehara, Esq. 98-1247 Kaahumanu St., Ste. 309 Aiea, HI 96701		Secured	General Unsecured	Priority Unsecured
					110,101.84

The objecting party asserts the claim should be treated as explained below and in the attached memorandum.

☒ Disallowed in entirety ☐ Reclassified ☐ Amount modified ☐ Other

**NOTICE IS HEREBY GIVEN** that a hearing on this objection has been scheduled for the date and time above.

**Your rights may be affected.** You should read the objection and any accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to sustain the objection, or if you want the court to consider your views, then you or your attorney must file a statement explaining your position **not later than 7 days before the hearing date**. Responses must be filed with the court at: **United States Bankruptcy Court, District of Hawaii, Suite 250, Honolulu, HI 96813**, and sent to the objecting party at the address in the upper left corner of this document.

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the deadline stated above.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection and may cancel the hearing. If the hearing is canceled, the court may reduce, modify, or eliminate your claim if the objecting party promptly files a declaration and request for entry of an order [local form hib\_9021-1]. If the objecting party wishes to proceed with a hearing in the absence of a response, the objecting party should file a request for the matter to remain on calendar [local form hib\_9013-1c3].

**MEMORANDUM IN SUPPORT OF OBJECTION**

For the reasons stated below, the claim should be:

☒ Disallowed in its entirety.

<input type="checkbox"/> Reclassified/modified in the following amount(s):	Amount		
	Secured	General Unsecured	Priority Unsecured

*[Explain the grounds for the objection. Attach additional pages, declarations, or exhibits as necessary.]*

Claimant Carolyn Mendoza seeks to enforce a divorce decree that was entered by the Family Court of the First Circuit on October 28, 1993 (see Exhibit A to Carolyn Mendoza's proof of claim). HRS Section 657-5 states in pertinent part as follows:

Unless an extension is granted, every judgment and decree of any court of the State (that is, the State of Hawaii) shall be presumed to be paid and discharged at the expiration of ten years after the judgment or decree was rendered. No action shall be commenced after the expiration of ten years from the date a judgment or decree was rendered or extended. No extension of a judgment or decree shall be granted unless the extension is sought within ten years of the date the original judgment or decree was rendered;

More than ten years have passed since the divorce decree was entered. Claimant Carolyn Mendoza never sought an extension of the divorce decree, and the time period for filing a motion for such extension has expired.

Dated: 1/28/2014

/s/ Donald L. Spafford, Jr.  
Signature

Donald L. Spafford, Jr.  
Print name if original signature